

Application Serial No. 09/807,704
Reply to Office Action of January 3, 2006

PATENT
Docket: CU-2513

REMARKS

1. *Status of the Claims*

Claims 1-12 were previously canceled and claims 13-34 are now cancelled. New claims 35-52 have been added. No new matter is added as a result of the addition of the new claims.

2. *New Claims*

New claims 35-52 are supported in the application as follows. Claims 35, 36, 37, 39, 40, 42, 43-46 and 51 may be found in the specification as filed at page 11, line 34 - page 12, line 2. Support for claim 37 may be found at page 5, line 32. Support for claim 51 may be found at page 5, line 35.

Claim Rejections - 35 U.S.C. § 103

The Examiner has stated in the final rejection dated 01/03/2006, that a predetermined non-denaturing temperature would be an intrinsic feature of the Jansson (NO 1993 3009) process because Jansson teaches utilizing a low temperature so as not to denature the proteins, and that in view of Keyes, US 4,713,335, it would be merely "routine optimization" to predetermine that temperature.

Applicants disagree. Jansson advocates a method of fat extraction using low temp see page 9, lines 1-2. Anyone of ordinary skill in the art would understand this teaching to be advocating that fat extraction at low temperatures is preferable, i.e. the lower the better, over high temperatures at which spoiling occurs. Paraphrased, new claim 35 requires separating a composition at a particular temperature, i.e. as distinguished from a *low temperature* taught by Jansson '009. This separation temperature of claim 35 is the highest temperature above which proteins start to denature and is nowhere suggested by Jansson '009.

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If the Examiner contends that Keyes ' 335 shows or suggests the denaturing temperature recited in claim 35, the applicant respectfully requests that the Examiner identify this showing or suggestion by column and line number. The viscosity measurement of Keyes does not teach the *optimized* working temperature recited in claim 35.

Since all the remaining claims depend from claim 35, Applicants contend that the claims are in condition for allowance.

CONCLUSION

Applicants respectfully contend that all conditions of patentability are met in the pending claims as amended. Allowance of the claims is thereby respectfully solicited.

If Examiner Randall believes it to be helpful, he is invited to contact the undersigned representative by telephone at (332) 408-2535.

Respectfully submitted,
LADAS & PARRY

Dated: June 30, 2006

By: 

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